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# Convention on the Elimination of All Forms of Discrimination against Women

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**Committee on the Elimination of Discrimination against Women**

## Consideration of reports submitted by States Parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

### Combined third and fourth periodic reports of States Parties

### Paraguay*

*The present report is being submitted without formal editing. It was received by the Secretariat on 28 August 2003. For the combined initial and second periodic reports submitted by the Government of Paraguay, see CEDAW/C/PAR/1-2, Add.1 and Add.2, which were considered by the Committee at its fifteenth session.

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# STATUS OF COMPLIANCE WITH THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW, 1979) BY THE GOVERNMENT OF PARAGUAY AS OF MAY 2000

**This report is an update on compliance by the Government of Paraguay with the Convention on the Elimination of All Forms of Discrimination against Women. It analyses the main progress made in complying with the Convention from 1996 until May 2000.**

# Status of compliance with the Convention on the Elimination of All Forms of Discrimination against Women as of May 2000

## Part I

### Article 1

**For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.**

1. Article 46 of the National Constitution of 1992 explicitly states that all residents of the Republic of Paraguay are equal as far as dignity and rights are concerned. No discrimination is permitted, and the State will remove all obstacles and prevent those factors that support or promote discrimination. Guarantees aimed at preventing unfair inequalities will not be considered discriminatory, but egalitarian factors.

2. The Paraguayan State does not maintain any law or administrative provision that implies discrimination against women in the exercise and enjoyment of human rights and fundamental freedoms. It maintains an unequivocal stance in favour of the elimination of discrimination.

3. Paraguay signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in December 1999, and this is currently going through the process of ratification in the National Senate.[1]

### Article 2

**States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:**

**(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;**

4. The National Constitution of Paraguay recognizes unrestricted equality of rights among men and women: "Men and women have equal civil, political, social and cultural rights. The State will create conditions conducive to, and will create adequate mechanisms for, making this equality true and effective by removing those obstacles that could prevent or curtail this equality as well as by promoting women's participation in every sector of national life." (Article 48).

5. Article 47 of the Constitution guarantees equality in access to justice, equality before the law, equality in access to non-elective public office, and equal opportunities in the benefits of nature, in material assets, and in culture.

6. In 1997, the President of the Republic presented the National Plan for Equal Opportunities for Women 1997–2001, in the framework of the National Constitution and international instruments ratified by Paraguay. The Plan identifies the most important and necessary fields of action for changing gender relations, setting out the various factors and mechanisms that constitute the main problems facing women, and defining the differences in resources and alternatives available to men and women. In each of its nine domains, the Plan defines the objectives to be attained and concrete actions for achieving them, and it specifies the organizations and authorities responsible for the Plan's execution.

**(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;**

7. Law 34/92 creating the Women's Bureau of the Office of the President of the Republic, expressly establishes as one of the Bureau's founding objectives, that of developing proposals for organizing and

[1] The National Congress ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women on 25 April 2001, through Law 1.686/01. The ratification instrument was deposited with the United Nations Secretariat on 14 May 2001 and took effect on 14 August that year.

adapting national legislation to comply with the Convention on the Elimination of All Forms of Discrimination Against Women, which was ratified in 1986 through Law 1.215.

8. On 21 June 1995, Law 605/95 ratified the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (the Belém do Pará Convention). At the end of that year (1995) following the Conference on Population and Development and the Fourth World Conference on Women, Paraguay adopted the Cairo and Beijing commitments.

9. On 30 March 2000, the National Senate approved the Domestic Violence Bill, which was drafted by the Paraguayan Women's Coordination Unit and submitted to the Senate on 10 December 1998, with support from all members. The bill is now being studied in the Chamber of Deputies.[2] The legislation establishes rules of protection for anyone suffering injury or physical, psychological or sexual abuse by another member of their family group. The latter is understood to encompass blood relatives and persons bound by relations of matrimony or cohabitation, even if cohabitation has ceased, and including non-cohabiting couples and their children, common or otherwise. It makes Justices of the Peace responsible for receiving oral or written complaints from injured parties seeking protection measures for their personal security or that of their family. It also explicitly establishes that such services shall be provided free of charge. The legislation makes the Women's Bureau of the Office of the President the Republic, in its capacity as coordinator of the Interinstitutional Commission for the Prevention and Punishment of Violence Against Women, responsible for monitoring and evaluating application of this law. These activities are carried out in the framework of the National Plan for the Prevention and Punishment of Violence Against Women, which has been in force since 1994, and which originated and is executed under the auspices of an Interinstitutional Commission consisting of government ministries, the national police force, the State Prosecutor General, the Municipality of Asunción and the Paraguayan Women's Coordination Unit (CMP), an NGO.

10. The legislation makes progress by specifying domestic violence as a crime (article 229): "Persons who habitually exercise physical violence against their cohabitants in the family domain, shall be punished with a fine." Women's organizations have criticized the law on the following grounds, however: (a) it criminalizes physical violence only, excluding other types of violence that are already defined in the Belém do Pará Convention; (b) the requirement for violence to be "habitual" could endanger the victim given the time that might elapse before any action is taken; and (c) it punishes the crime only with a fine, leaving the perpetrator at liberty to take reprisals against the victim.

11. In relation to legal support services, guidance is currently provided by the Women's Support Centre (CENAM), which is attached to the Women's Bureau operating in Asunción. This body provides legal assistance and directs cases to the appropriate mechanisms. Many women make use of the Family Affairs Department of the National Police Force, and the Criminal Complaints Department of the General State Prosecutor's Office (provided a criminal complaint has been filed), but there is no specific area for women. The Women's Department of the Prosecutor's Office also reports heavy demand arising from cases of violence against women, but it is currently undergoing restructuring in the framework of the Strategic Institutional Plan, and has been converted into a non-gender-specific Mediation Office. The Office for Assistance to the Victims of Crime created in 1998 under the fundamental principles of justice for victims of crime and power, mainly serves women and children. Among NGOs, legal services are provided by the Kuña Aty Foundation and the 25 November Collective.

12. A variety of activities have been carried out in support of work on violence against women, including a programme of awareness-building by radio promoted by 13 radio stations, three of which are based in the capital and have nationwide coverage while the other 10 serve other parts of the country. The campaign was intended to publicize the names of organizations that provide care for women victims of violence and to build awareness among men on the subject of women's rights. The contents of the messages were transmitted in both Guaraní and Spanish, and the result was that the Women's Bureau saw its level of attention double in the first half of 1998.

[2] The National Congress passed the Domestic Violence Act (Law 1.600) on 6 October 2000.

13. In November 1998, the Women's Bureau, the United Nations Population Fund (UNFPA), CMP, the Latin American and Caribbean Committee for the Defence of Women's Rights (CLADEM) and the Women's Affairs Department of the Municipality of Asunción carried out a variety of citizen awareness-building activities marking the International Day for the Elimination of Violence Against Women, under the banner "Enciende una esperanza" (Light up hope).

14. The Women's Bureau has prepared an information pack on the subject of violence against women, covering prevention, legal sanction mechanisms and women's rights. Materials include triptychs, posters, and the publication of domestic and international instruments distributed as part of a nationwide dissemination campaign.

15. Another major achievement of the Interinstitutional Commission has been the exchange of data gathered on reports of violence from the various organizations operating in the country. This began with institutions based in the capital, such as First Aid, the National Police, the General State Prosecutor's Office and the Women's Bureau, and was subsequently joined by a number of departments.

16. In August 1999, the Care Centre for Victims of Domestic Violence (CAVIF) was established in the Medical Emergency Centre, as a response from the Ministry of Health to a concern expressed by the Women's Bureau, which had long been arguing for the need to establish a service in first aid hospitals to provide care to women victims of violence.

17. In the framework of the Regional Pilot Plan for the Prevention and Eradication of Violence Against Women, the Care Centre for Victims of Domestic Violence was established in the Loma Pytá hospital in 1999, following an agreement signed between the Women's Bureau and the Inter-American Development Bank. The Centre has carried out a number of activities, including preparation of signs and slogans, legal, medical and social assistance for victims, and training. The consolidation of the Community Network and the possibility of establishing a new legal referral service is one of the most important achievements since installation of the focal point in Loma Pytá.

18. Despite the progress outlined above, women victims of violence continue to endure critical situations that remain unresolved, and they are often revictimized; difficulties also remain in setting up self-help networks. Although some organizations claim to have women victims undergoing group therapy, no care models have been disseminated, so work experience remains confined to a limited field of action.

19. In 1997 the Republic of Paraguay adopted a new Penal Code through Law 1.160. Article 133 of the new Code establishes that "any person who harasses another for sexual purposes, in abuse of the authority or influence conferred on them in their functions, shall be liable to a prison term of up to two years." This makes legal instruments available to combat one of the forms of violence that women are most frequently subjected to in the workplace. The 1997 Penal Code and the 1998 Code of Penal Procedures are currently in force. Although provisions that discriminate against women still persist, the new Penal Code can be considered a step forward, given its specific criminalization of family violence (article 229). The law defines rape as sexual coercion, includes the offence of sexual abuse and defines these as crimes against personal autonomy, but it reduces the punishment for sexual crimes; the legislation establishes the existence of a relationship between the victim and the aggressor as an attenuating factor. It defines the offence of sexual harassment, and penalizes non-compliance with legal alimony obligations. It also criminalizes and penalizes people trafficking.

**(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;**

**(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;**

20. The articles contained in the chapter on freedoms (entitled "DE LA LIBERTAD"), especially those referring to procedural rights, provide an obligatory framework for the entire process of reform of the Penal Code and Penal Processes, which concluded with Laws 1160/97 and 1286/98, giving rise to new court practice affording more egalitarian access to rapid and inexpensive justice for the men and women of Paraguay.

21. The concept of "punishable acts against sexual autonomy" has been introduced in relation to the

previous Code which defined "offences against decency and honour", and it also defines the offences of "sexual coercion (article 128), people trafficking (article 129), sexual abuse of defenceless persons (article 130), sexual abuse of persons held in institutions (article 31), acts of exhibitionism (article 132), and sexual harassment (article 133). The following offences are criminalized under the title "punishable acts against minors": abuse of minors (article 134), sexual abuse of children (article 135), sexual abuse of persons under guardianship (article 136), statutory rape (article 137), homosexual acts with minors (article 138), procuring (article 139) and pimping (article 140). Other punishable acts include falsification of marital status, violation of the rules of adoption, trafficking in minors, bigamy, non-compliance with legal alimony obligations, violation of the duty of care for the elderly or invalids, violation of parental rights, domestic violence and incest.

22. The Women's Bureau has the Women's Support Centre (CENAM) available to give specialist care in the legal, psychological and domestic violence fields, channelling cases on to organizations such as those mentioned in the foregoing paragraphs, or to NGOs specializing in this type of care.

**(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;**

**(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;**

**(g) To repeal all national penal provisions which constitute discrimination against women.**

23. Promulgation of the Labour Code in 1995 introduced the offence of sexual harassment (article 81: paragraph W). "Acts of sexual harassment, in the form of threat, pressure, harassment, blackmail or manipulation for sexual purposes, against a worker of either sex, perpetrated by representatives of the enterprise, office or workshop, or any other senior staff member" justifies unilateral termination of the worker's contract. In addition, the contract may be rescinded by the worker when "acts of violence, sexual harassment, threats, defamation or abuse by the employer or his or her representative, family members or dependants, the latter acting with the consent or tolerance of the former in the workplace, and committed against the worker, their spouse, father, children or siblings" (article 84, paragraph D). The Labour Code also establishes the obligation to provide child care units in establishments employing more than 50 workers of either sex. Nonetheless, discriminatory provisions persist with regard to domestic work: a working day of up to 12 hours long is allowed, and domestic service workers may earn as little as 40 per cent of the legal minimum wage.

24. The Women's Bureau created the Commission for the Promotion of Equality for Women Before the Law, whose purpose is to enforce compliance with the legislative goals contained in the National Plan for Equal Opportunities for Women. To this end, a general diagnostic study has been prepared, together with specific work guidelines of constitutional rank on gender issues and to strengthen the legal framework of the Women's Bureau.

25. The Women's Bureau has also started to nurture a more fluid relationship with the Judiciary with a view to implementing the Evidence Advisory Service envisaged in the new Penal Code. The aim is to collaborate through a joint cooperation agreement.

26. The sector responsible for the legal domain in the Women's Bureau continually participates in working meetings and discussion with parliamentary commissions and their advisers; its main strategy involves study, analysis and/or preparation of documents and proposals, in addition to participation in discussion forums and meetings of a cross-cutting nature within its structure and others outside the institution. Studies of the following have been specially monitored: agrarian reform, the General Education Act, the Civil Servant Statute, the Penal Code and Penal Procedures, the Sanitary Code, the Sexual and Reproductive Health Project, the Childhood and Adolescence Code and the Act on Domestic Violence Against Women. In addition, it participates on the Board of Directors of the Adoptions Centre, consisting of the judiciary and NGOs.

27. As regards electoral reform, coordinated work is being undertaken with the Permanent Forum of Women Politicians and the International Foundation for Election Systems (IFES) to prepare proposals for submission to the parliamentary commission established for this purpose.

28. The Women's Bureau and the Office of the First Lady, have held working meetings with senators of both sexes in the National Parliament, in order to urge haste in passing laws such as the Childhood and Adolescence Code and the Act on Domestic Violence Against Women, among others.

## Article 3

**States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.**

29. Paraguay has adopted the following measures to protect women's human rights: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Inter-American Convention on the Granting of Political Rights to Women, and the Convention on the Elimination of All Forms of Discrimination Against Women.

30. As mentioned above, article 47 of the Constitution establishes constitutional guarantees for equality of opportunities.

31. Article 60 establishes that the State will promote policies aimed at preventing violence within the family and other causes of the destruction of family solidarity.

32. The Belém do Pará Convention (Law 605/95) provided the conceptual framework for the National Plan for the Prevention and Punishment of Violence Against Women prepared in 1994. In order to fulfil the proposed objectives, the Women's Bureau convened and created an interinstitutional commission, consisting of the Ministries of Justice and Labour, Interior, Education and Culture, Public Health and Social Welfare; the General State Prosecutor's Office, the National Police, the Office of the Municipal Governor of Asunción and the Paraguayan Women's Coordination Unit. This commission is coordinated by the Women's Bureau, and aims to coordinate all government and non-governmental bodies in actions to prevent, punish and eradicate violence, and to guarantee respect for women's human rights. Its members undertake to strengthen implementation of the National Plan for the Prevention, Punishment and Eradication of Violence Against Women through the following lines of action: provision of guidance for women victims of violence, training for public officials in the police, health and education ministries, and in the prosecutor's office; unified data registration; and research, legislation and awareness campaigns.

33. The National Plan for Equal Opportunities for Women 1997-2001 contains nine action areas, aimed at mainstreaming gender in the sectoral policies of State institutions and organizations and in civil society.

34. It also implements, as an essential part of the National Plan for Equal Opportunities for Women, agreements contained in the ECLAC Regional Plan of Action, the IACW Plan of Action and the Plan of Action of the Fourth World Conference on Women.

35. The Women's Bureau forms part of the Tripartite Commission, also consisting of the Paraguayan Women's Coordination Unit and the United Nations Development Programme (UNDP), for implementation of the Beijing Platform for Action and commitments undertaken by Paraguay in the Beijing Declaration.

## Article 4

**1. Adoption by States Parties of temporary special measures aimed at accelerating *de facto* equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.**

**2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.**

36. Based on the constitutional proposal, the Government of Paraguay has been developing a number of measures that could be viewed as affirmative public actions, as described below.

37. The first affirmative action measure adopted by the Paraguayan State following promulgation of the National Constitution was the creation of the Women's Bureau (Law 34/92), proposed by the organized

women's movement of the Paraguayan Women's Coordination Unit (CMP) and the Multisectoral Women's Organization (Multisectorial de Mujeres), to ensure that the State effectively incorporates the gender perspective in public policies.

38. Since 1994, National Plans have been developed in relation to women's human rights, and measures have been taken to achieve and strengthen equality. These include the National Plan for the Prevention and Punishment of Violence Against Women, the National Plan for Reproductive Health and National Planning and the National Plan for Equal Opportunities for Women 1997–2001.

39. At the local level, the Office of the Municipal Governor of Asunción approved a provision to overcome discrimination against women in the social statutes governing membership of the municipality's neighbourhood committees. These must now be gender-balanced in the sense that neither sex should have less than 30 per cent representation.

40. At the present time, a representative of the lower house of the National Congress is working with the International Foundation for Election Systems (IFES) to prepare a basic proposal to be submitted to the various political organizations in Paraguay for their analysis and reflection.

41. The Women Politicians Network and the Women's Bureau are jointly promoting amendments to the Electoral Code, proposing a 60 per cent limit on the proportion of candidates of each sex and alternation between men and women on electoral lists.

42. The Electoral Code contains an affirmative action clause. Law 834/96, article 32 paragraph r) introduces amendments aimed at promoting a minimum 20 per cent share for women in elective posts, and appointment of a significant proportion of women to public decision-making positions. In order to guarantee women's participation in elections to collegiate bodies, there should be one female candidate for every five places on candidate lists; female candidates can appear in any place on the list, but in the ratio of one woman candidate for every five posts to be elected. Each party, movement or alliance promoting a list is free to establish the corresponding order of precedence.

## Article 5

**States Parties shall take all appropriate measures:**

**(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;**

43. Article 27 of the Constitution requires advertising to be regulated so as to provide the best protection of the rights of children and young people, the illiterate, consumers and women. Article 25 establishes the right of men and women to freely express their personality, to be creative, and to forge their own identity. Article 55 establishes the promotion and protection of responsible maternity and paternity through the creation of the necessary institutions to this end.

44. The Women's Bureau of the Office of the President of the Republic, together with other regional, municipal and non-governmental organizations, have made efforts to conduct public awareness-raising campaigns and maintain permanent relations with the communications media. Information, education and communication strategies have been designed with a view to encouraging the presentation of a balanced image of women and young people in their multiple functions.

45. In addition, both NGOs and the Women's Bureau – working together or separately – have run population awareness-building campaigns on the subject of violence against women, specifically covering domestic violence, child abuse, human rights, activities relating to the International Day on Non-Sexist Education, and legislative achievements, among other things. The press, for its part, has facilitated dissemination of these campaigns, and journalists of both sexes have contributed by providing spaces in their programmes for discussion of the issues.

46. The Tripartite Commission, comprising the Women's Bureau, the CMP and the UNDP, have carried out research entitled *"Women and the communications media"* (1998) which analyses the image of women projected by the media, and the situation of female journalists employed therein. The study also aims to identify areas that require attention and to analyse current dissemination policies with a

view to integrating a gender perspective. The results of the research have generated data on aspects of communication that warrant further attention.

47. Popular educators from NGOs and State bodies have been trained in the management and use of communications media, and workshops have been held on the importance of female participation in elections, for women from outside the capital that have easy access to or work in the media. At the same time, efforts were made to raise awareness among female journalists through panel discussions, video debates and lobbying, on the importance of news reports having a gender perspective, and particularly raising the profile of social problems such as domestic violence and child sex abuse, among others.

48. Lobbying activities have been successfully carried out with the communications media to achieve journalistic coverage of specific events and broadcast of micro radio and television programmes, in addition to leaflets highlighting issues such as the human rights of women and children, sex education, domestic violence, the importance of women's leadership and the environment, among other topics.

49. University communication departments have hired representatives from women's organizations to give extracurricular seminars on the gender perspective in the news and analysis of women's image in the media.

50. Published material has included books, posters, leaflets, triptychs, pamphlets, short theatrical pieces, sketches, micro radio programmes, etc., in order to disseminate information on women's participation in the mechanisms of power, the feminist political platform, women's participation in municipal life, the domestic violence bill, child abuse, egalitarian education, among many other issues.

51. Some progress has been made in terms of participation in radio, television and in the written press on issues of major interest to women, violence, citizens' rights, sexuality and sometimes on economics and politics – areas that Paraguayan women seldom enter. Nonetheless, there are no control groups or sanctions relating to adequate use of information on gender issues or the lack of visibility of such issues in the media. Issues relating to old age and the situation of young girls seem to be of no journalistic interest.

**(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.**

52. Article 55 of the National Constitution states that "responsible maternity and paternity will be protected by the State, which will promote the creation of the necessary institutions to this end." In this field the only progress that has been made involves the creation of a number of child care units in State institutions, such as the Municipality of Asunción and the Women's Bureau in coordination with other State bodies, in both cases for the children of (male and female) staff members of the institutions concerned. There have also been initiatives in other municipios, to establish child care units providing services to low-income women and single mothers. These initiatives, on their own, cannot yet be construed as part of a policy to promote measures enabling women to reconcile their work and family lives.

53. The National Programme for Equality of Opportunities and Outcomes for Women in Education (PRIOME), which is being implemented as part of an agreement between the Women's Bureau and the Ministry of Education and Culture, has developed training courses aimed at recognizing family responsibility in the education and development of children.

## Article 6

**States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.**

54. Article 54 of the National Constitution makes it a joint responsibility of the family, society and the State to guarantee children the right to a harmonious, comprehensive development, as well as the right to fully exercise their rights by protecting them against abandonment, undernourishment, violence, abuse, trafficking or exploitation.

55. Law 1160 of 1997, forming part of the Penal Code reform, criminalizes persons who, by means of force, threat of serious harm or deception, take another person outside Paraguayan territory, or entice them into

the country, and force them into prostitution by taking advantage of their defenceless situation; and also, when the perpetrator acts for commercial gain or as a member of a band formed for the purpose of carrying out acts such as those indicated above.

56. Article 139 typifies the offence of pimping as leading another person into prostitution in the following situations: when the latter is under 18 years of age; when he/she is between 18 and 20 years of age, taking advantage of his/her lack of protection, trust or naivety; or when the person is between 18 and 20 years of age, and his/her education is the responsibility of the offender. The crime of procuring is typified as the exploitation of a person working in prostitution.

# Part II

## Article 7

**States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:**

**(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;**

**(b) To participate in the formulation of government policy and implementation thereof and to hold public office and perform all public functions at all levels of government;**

**(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.**

57. In the chapter dealing with equality in the National Constitution of 1992, articles 46 and 47 (on all persons being equal, and on guarantees for equality), establish that all citizens of the Republic are equal before the law in terms of dignity and rights. No discrimination is permitted, and the State is responsible for removing all obstacles and preventing those factors that support or promote discrimination. The State is also required to guarantee equality of access to justice; equality before the law; equality of access to a non-elective public office, without any requirement other than being competent for the job; equality in the benefits of nature, in material assets and in culture.

58. Article 48 of the Constitution also explicitly states that: *"Men and women have equal civil, political, social and cultural rights. The State will create conditions conducive to, and will create adequate mechanisms for, making this equality true and effective by removing those obstacles that could prevent or curtail this equality as well as by promoting women's participation in every sector of national life."*

59. As regards political participation, article 117 in the chapter of the Constitution dealing with political rights and duties, states: *"Children of either sex have the right to participate in public matters, directly or through their representatives, in accordance with the provisions of this Constitution and the law. The access of women to public posts will be promoted."*

60. In order to enforce these provisions, in 1995 the Network of Women Politicians of Paraguay submitted a proposal to the National Congress for amending the Electoral Code to establish a minimum 40 per cent share for women. In 1997, the 40 per cent quota proposal was again presented to the National Parliament by the Network supported by the Women's Bureau, and although a large number of votes were cast in its favour they were not sufficient to gain approval. Creation of the Network of Women Politicians in 1993 was promoted and sponsored by the Women's Bureau of the Office of the President of the Republic. It includes representatives from the leading parties in Paraguay and receives institutional support from the Women's Bureau; it has played a major role in promoting women's activities in the party political domain.

61. Under-representation of women nonetheless continues to prevail in nearly all fields of social and political life in Paraguay. The two elective posts in the executive have been occupied by men during this period of time. In the 11-strong ministerial cabinet, two women held ministerial posts in health and education between August and March 1999. Previously, there had only been one woman in charge of a Ministry, between 1989 and 1993. The only woman holding full ministerial rank throughout the period was the Head of the Women's Bureau of the Office of the President of the Republic. At the third level of ministerial hierarchy (directorates general and directorates) 31 per cent of posts were held by women in 1997.

62. In the judiciary, 27 per cent of posts are currently held by women, including bodies related to justice

administration, such as electoral justice, the Public Prosecutor's Office and the Office of the Public Commissioner. Although the figures are not entirely comparable given the large number of new appointments and a restructuring of justice administration, women occupied 30 per cent of posts in 1997, compared to 13 per cent in 1995. The positions of greatest decision-making power, such as the Supreme Court, the Council of Magistrates and the Supreme Tribunal of Electoral Justice, remain virtually impenetrable for women, who continue to be concentrated in posts among justices of peace, prosecuting counsels and public defender's offices.

63. At the subnational government level there were renewals of municipal authorities in 1996 and of departmental authorities in 1998. The number of women holding municipal posts in 1996 increased by five percentages points, with women elected to 14 per cent of posts, compared to their 9 per cent share in the 1991 elections. The increase reflected greater presence of female councillors in municipal authorities (15 per cent compared to the previous 10 per cent), while the female presence in Governor's Offices has fallen from 6 per cent to 3 per cent for the current period.

64. In the case of departmental governments, no woman has thus far been elected as governor, although a woman did briefly hold a governorship in replacement of the elected governor in the Department of Boquerón. In departmental assemblies women held 5 per cent of elected seats for the period 1993/98, with the figure rising to 9 per cent for 1998/2003.

65. Between 1995 and 1998, the female presence in party political leadership posts increased, considering the five political parties permanently operating in the country, namely the National Republican or Colorado Party (ANR), the Authentic Radical Liberal Party (PLRA), the Encuentro Nacional Party (PEN), the Febrerista Revolutionary Party (PRF) and the Christian Democratic Party (PDC). Women held 13 per cent of leadership posts in these parties in 1995, and the figure had risen to 19 per cent in 1999. This maintains a rising trend in the presence of women in political parties' decision-making mechanisms, which has doubled (from 8 per cent to 16 per cent) in the 10 years 1988–1997. In these five parties, three (the ANR, PEN and PRF) have approved minimum quotas for female participation on internal election lists. All of these parties have recorded increases in women's participation thanks to the approved quota. In the two cases where quotas have not been approved, the PDC also displays an increase between the dates mentioned above, although the percentage has fluctuated during the period. The PLRA is the only one of the five political groupings considered to report a reduction in female participation between 1995 and 1999, recording the same fluctuations as in the PDC.

66. With regard to measures in electoral systems, during this time period a minimum 20 per cent quota for female participation has been approved in the Electoral Code, thanks to demand expressed by women's organizations (the Women Politicians Network took the initiative on this) supported by the Women's Bureau of the Office of the President of the Republic. Other electoral legislation measures include the prohibition of gender discrimination in political and electoral propaganda and the establishment of gender-classified census listings, thereby making it possible to have separate voting tables and differentiated analysis of male and female voting patterns. This latter provision has not yet been applied, however.

67. The quota established in electoral legislation requires political parties to maintain a minimum 20 per cent quota for women in internal candidate lists presented for party elections, whether for authorities of the political party itself or as candidates in national or municipal elections. This 20 per cent must be distributed so as to ensure one woman in every five places on the candidate list. The percentage and formulation thus obtained falls far short of the initial request, which proposed a maximum 60 per cent quota for each sex; and, in particular, it failed to build on what parties with quotas already had as an internal obligation. This proposal, submitted for the first time in 1994, was accepted in 1996.

68. In view of an upcoming new amendment to the Electoral Code, women's organizations have recently been debating measures that could be introduced to promote female access to decision-making posts. Apart from increasing the percentage and improving the wording of the clause on quotas, proposals were also made on incentive mechanisms for political parties, such as higher percentages for the State subsidy to political parties according to the number of women elected, and a requirement for political parties to invest in the training and advancement of women, among other things. Debate on this in the legislature has not yet begun, however, nor have Members of Parliament

made any public commitments to support the proposals.

69. The National Civil Registry, which contains the listing of citizens of both sexes entitled to vote, in 1996 showed 43 per cent female and 51 per cent male participation; the sex of the remaining 6 per cent of the national census could not be identified. For the 1998 elections the percentage of female voters registered rose to 48 per cent of the total (45 per cent). Despite this progress, the smaller proportion of women entitled to vote means that fewer women than men exercise their citizenship rights, especially considering that the population contains more women of 18 years of age or older, than men.

70. For civil society organizations, such as labour unions and campesino, student, professional, business, municipal and cooperative organizations, women hold a 10 per cent share of registered posts (generally presidencies and boards of directors). The largest proportion of women is found in the management boards of student and professional organizations, while the smallest share is in business groupings.

71. A number of other measures were adopted by the Paraguayan Government to overcome the under-representation of women, including a campaign to persuade the voting-age female population to register with the National Civil Registry, since in the municipal elections of 1996 the proportion of women voters was significantly below that of men. The campaign, promoted by the Women's Bureau in conjunction with the Supreme Tribunal of Electoral Justice (TSJE), managed to improve the proportion of women registered as voters.

72. The Women's Bureau of the Office of the President of the Republic made efforts to produce quantitative data on the presence of women in State, political and social decision-making mechanisms, and to research qualitative aspects of the experience of women leaders in Paraguay. Two books describe the results of these investigations on female leadership.

73. Both the State, acting through the Women's Bureau, and various non-governmental organizations have developed training projects and programmes. The Women's Bureau implemented several projects specially aimed at training women and providing them with the necessary tools to gain access to decision-making posts and perform the corresponding functions. One of these, entitled "Women, leadership and participation" which was supported by the Organization of American States (OAS), included training courses aimed at young people, and the preparation and publication of leadership manuals, along with the corresponding validation workshops. The results of the Bureau's work on this issue include several manuals that can be used to proliferate training situations on issues such as women's political rights, self-esteem, group management, women's leadership of community organizations and leadership training for women politicians. Another programme promoted by the Bureau, entitled "Active citizenship training for women", specifies the goal of promoting mechanisms and strategies for women's participation, to enable them to gain access to decision-making levels. In addition, many other undertakings by the Women's Bureau on a variety of issues have included training and awareness-building workshops on topics of importance for promoting female participation. Activities were also carried out under an agreement with the TSJE to provide civic training for women in the framework of democratic norms and values, and women were encouraged to register as electors and exercise their voting rights.

74. Since 1999 the Minister in charge of the Women's Bureau of the Office of the President the Republic has been participating actively in meetings of the Council of Ministers and in the Government's economic team.

75. In terms of women's participation in the preparation and implementation of public policies, Ministries have special departments dealing with gender issues. In the Ministry of Public Health and Social Welfare, the Department for the Advancement of Women was created in 1991, attached to the Social Welfare Directorate. Its general objectives include achieving better access for women to social services, and it forms part of the Interinstitutional Committee of the National Plan for the Prevention and Punishment of Violence Against Women. The Ministry of Agriculture and Livestock (MAG) has an Intersectoral Gender Relations Office and a Department for the Advancement of Women. The first of these was created by the Women's Bureau in 1997, with objectives that include mainstreaming the gender perspective in sectoral public policies and in MAG project plans and programmes. Its activities include the evaluation and diagnostic study of MAG projects, holding workshops on gender for MAG staff members and meetings with governmental and non-governmental organizations to discuss the National Plan for Equality of Opportunities.

These bodies also participate in developing projects with a gender perspective with the Women's Bureau and the Ministry of Health.

76. The Department for the Advancement of Women in the MAG is the oldest of these bodies. It was created in 1993, with objectives that are clearly more related to projects for the advancement of rural families, by providing technical, educational and sanitation assistance.

77. The Ministry of Justice and Labour has an Office for the Social Advancement of Female Workers, attached to the Undersecretariat for Labour and Social Security. This has the general objectives of establishing policies to achieve equality of opportunities and treatment for women in employment, together with social advancement, and technical and professional training for women workers. It is therefore focused on women's advancement and the establishment of public policies with a gender perspective.

78. Intersectoral coordination has been one of the main activities of the Women's Bureau to ensure implementation of the National Plan for Equal Opportunities for Women. Numerous agreements have been signed with public- and private-sector institutions, and focal points have been established in the ministries involved in implementing the Plan's main lines of activity. This task has posed problems that are slowly being overcome, given existing cultural resistances.

79. At the departmental level, women's bureaux have been created in all governor's offices, with budgets allocated to them. They generally have a high status in the organizational structure of such offices, since they hold the rank of departmental secretariat – in some cases attached directly to the Governor's Office, and in others to the general secretariat. The Women's Bureau of the Office of the President of the Republic coordinates and provides technical support for their operations.

80. On 6 April 1998, the project for the Centre for Initiatives and Development for Women (the ICW network) was implemented. This initiative arose from the Women's Bureau, which presented to the European Commission a profile of the project in the framework of the National Plan for Equality of Opportunities.

81. The general objective of the ICW network is to improve the living conditions of women, through their active participation in the country's development; a specific objective is to reduce obstacles and coordinate effective measures to achieve equality of opportunities for women, by ensuring effective access to economic, social, cultural and political processes. Special emphasis is placed on rural zones. The project envisages the creation of 14 centres, which will help implement the National Plan for Equal Opportunities for Women 1997-2001. Institutional support will be provided by governor's offices, municipalities and women's NGOs. The project will last for five years and consist of two phases: the first lasting 18 months will create the first seven ICWs, of which five are currently operating. The second involves creation of the other centres and programmes, along with a social investment fund.

82. At the municipal level, the Bureau for Municipal and Gender Policies of Asunción, the Women's Bureau of the Municipality of San Lorenzo, and the Women's Bureau of Fernando de la Mora are all functioning. Asunción is the most important municipio in the country and has the largest resources, and since 1991 it has been emphasizing municipal social policies, including attempts to promote equality. Plans such as the creation of a women's bureau in 1992 were implemented in the framework of these policies. The aims of the organization were to promote and defend women's rights and create awareness on gender issues. Originally it was called the Department for Women's Affairs and was organizationally attached to the Social Affairs Directorate, which in turn belongs to the General Directorate for the Social Area. During its lifetime it was unsuccessful in raising the profile of the bureau, dependent as it was on a subdirectorate with meagre human and financial resources. Activities were focused on specific departmental projects and programmes, but without managing to project the gender perspective in the overall vision and projects of other areas and directorates in the Municipality of Asunción. In 1999, the rank and name of the Women's Affairs Department were altered, as Resolution 302/99 created the Municipal and Gender Policies Bureau, reporting directly to the Office of the Municipal Governor. One of the "whereas" clauses in the preamble to the resolution states "... the Municipal Governor's Office wishes to mainstream gender in municipal policies...." This Bureau was given the function of ensuring that municipal macropolicies take account of the gender perspective.

## Article 8

**States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to**

**represent their Governments at the international level and to participate in the work of international organizations.**

83. The Women's Bureau maintains permanent and dynamic relations with international organizations and counterpart institutions abroad, in many of which it plays leading roles, including:

84. The Inter-American Commission for Women (IACW) attached to OAS, in which Paraguay, acting through government's official ministerial delegate, forms part of the board of directors and participates in all ordinary and extraordinary meetings.

85. In 1997 Paraguay organized the third Ibero-American Meeting of Ministers and Officials Responsible for Policies on Women.

86. In 1999, Paraguay held the *pro-tempore* presidency of Mercosur, in the framework of which the Women's Bureau organized the Second Specialized Women's Meeting of Mercosur (REM), with participation from all bodies responsible for women's policies in Mercosur countries, and the Mercosur Women's Forum as advisory body.

87. In the Fourth Meeting of the Network of Governmental Organizations and National Mechanisms for the Advancement of Women in Latin America and the Caribbean (held in Costa Rica) Paraguay, represented by the Women's Bureau, was elected as country coordinator of the South America subnetwork, and was chosen as host country for the fifth meeting to be held in 2001.

88. Acting through the Women's Bureau, Paraguay holds the vice-presidency of the presiding officers of the Regional Conference on Women of Latin America and the Caribbean organized by the Economic Commission for Latin America and the Caribbean (ECLAC).

## Article 9

**1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.**

**2. States Parties shall grant women equal rights with men with respect to the nationality of their children.**

89. The National Constitution of Paraguay grants women equal rights to those enjoyed by men in everything concerning nationality and citizenship. No marriage contracted in Paraguay can affect the nationality of the woman. Article 146 of the Constitution states that all persons born in Paraguayan territory are natural Paraguayan nationals, and that no natural Paraguayan national, of either sex, can be deprived of their nationality for any cause. Multiple nationality may be admitted through an international treaty or through reciprocity provisions at constitutional level between the State of birth and that of adoption.

90. Under the Constitution, children born in Paraguay of a Paraguayan mother or father are Paraguayan nationals, even if one of their parents was a foreign national.

## Article 10

**States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on the basis of equality of men and women:**

**(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;**

**(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;**

**(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;**

**(d) The same opportunities to benefit from scholarships and other study grants;**

**(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;**

**(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;**

**(g) The same opportunities to participate actively in sports and physical education;**

**(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.**

91. In the National Constitution of 1992, articles 46, 47 and 48 of chapter III (on equality), together with article 73 of chapter VII (on education and culture), state that everyone has the right to comprehensive and continuous education given effect as a system and a process in the context of the culture of the community. Its purposes are the full development of the human personality and the promotion of freedom and peace, social justice, solidarity, cooperation and the integration of peoples; respect for human rights and democratic principles, the affirmation of commitment to the Fatherland and of cultural identity, intellectual, moral and civic training, and the elimination of discriminatory content from educational materials.

92. Educational reform is based on Decree 7815 of 1990. The preamble to the decree establishes the need for comprehensive reform of the educational system in Paraguay, having previously undertaken a general analytic and diagnostic study, proposing defined alternatives to correct shortcomings. It includes the gender perspective in education as one of its fundamental areas, acknowledging the glaring asymmetry that persists in this domain in Paraguay.

93. In 1996, the Ministry of Education and Culture (MEC) published the Strategic Plan for Educational Reform: "Paraguay 2020: Meeting the educational challenge", which was conceived as a management tool for Paraguayan education based on broad social consensus, fundamentally concerning two aspects which, one way or another, permeate the entire educational system, namely bilingual education and gender.

94. The National Programme for Bilingual Education is being implemented to adjust the supply of basic education to the country's specific sociolinguistic situation, characterized by the existence of two languages in contact (Guaraní and Spanish), where 39.3 per cent of the population habitually speak Guaraní, 6.4 per cent speak only Spanish, 49 per cent are bilingual and 6 per cent speak other languages. Although Guaraní is an intrinsic part of this country's culture and identity, Paraguayan bilingualism is greater.

95. Article 4 of the General Education Act (Law 1264) of 1998 establishes that "the State is responsible for ensuring access to education for the entire population of the country, and for creating conditions for real equality of opportunities;" and article 10 in chapter II (on Concepts, aims and principles) states that "Education will basically adhere to the following principles: Paragraph (e) Effective equality between the sexes and rejection of all forms of discrimination.

96. The National Plan for Equal Opportunities for Women 1997-2001 is an instrument for formulating and implementing sectoral public policies, and for facilitating relations of equity in the structure of the State. In the education domain, the general objective is to "favour equitable participation by women in the educational and knowledge production process."

97. The Programme for Equality of Opportunities and Outcomes for Women in Education (PRIOME), initiated in 1995 through an interinstitutional agreement with the MEC, continues to work intensively at the basic school level and in adult literacy programmes. Its activities have focused on supporting curricular development, in addition to training and awareness-raising among Education Ministry technical staff and teachers throughout the country. In addition, in collaboration with the Teacher Training Directorate, PRIOME has introduced new issues into teacher training study programmes, such as gender roles and equal treatment in family structure and functions, sexually transmitted diseases, respect for cultural and religious diversity, etc. In the second part of the project, in December 1998, measures were proposed to eliminate gender stereotypes in the educational process; these proposals are of a regulatory nature and are compulsory nationwide, covering areas such as study plans, textbooks and teacher training.

Since April 1999, the PRIOME programme has been focusing on awareness-building workshops for teachers, and for permanent, intermediate and technical education supervisors, in the preparation, review and approval of training modules for trainers from the Ministry of Education and the Women's Bureau, to be implemented during the current school year.

98. PRIOME continues to deepen the work of revising and adapting the gender content of educational textbooks and materials, with a view to mainstreaming the gender perspective in school texts. Recently, PRIOME has proposed as a subject for study in the MEC, regulations legalizing and legitimizing incorporation of the gender perspective in education in the following aspects: (1) basic norms for mainstreaming gender in education, taking as an example the Spanish LOGSE, and its preamble clauses and royal decrees; (2) preparation of regulations allowing girls and boys to be listed in alphabetical order rather than by sex; (3) drafting of norms for the inclusion of non-sexist language, with the corresponding bases and support material; (4) drafting of norms enabling professions to be named in the feminine gender in diplomas and other awards. In the current year 2000, PRIOME will start to work in secondary and technical education, in addition to continuous education (adult literacy), teacher training and refresher courses with the Higher Institute of Education, for inclusion in the annual work plan and curriculum.

99. Access to nine years of public basic schooling is free and identical for both sexes. There are no legal restrictions on access, except in the case of a private religious school which only takes girls. In the public sector, the National College of the Capital which only accepts boys, and the National Girls School, are the only single-sex institutions.

100. As regards equality of access to basic education, boys' enrolment in first grade (52.3 per cent) slightly exceeds that of girls (47.7 per cent), although the latter rises to 49.5 per cent in sixth grade of the formal system, barely less than the 50.5 per cent boys' share of enrolment at the same level. This situation has not altered since the start of the 1990s. In the rural sector, female enrolment is 47.4 per cent at first grade, with boys accounting for 52.6 per cent. This difference is maintained until sixth grade, unlike in the urban sector, where there are more girls (51.2 per cent) in sixth grade than boys (48.8 per cent).

101. In total secondary school enrolment, girls (50.7 per cent) outweigh boys (49.3 per cent), with differences according to educational level. In first year secondary, boys (51.3 per cent) outnumber girls (48.7 per cent), after which the gap widens considerably in favour of girls (55 per cent) by si th year, following the same trend noted in 1990.

102. In terms of irregular school situations, such as repetition and dropout from the school system, boys account for considerably more drop-outs (59.5 per cent) than girls (40.5 per cent) nationwide; the male share of repetition rises to 60.2 per cent in the rural sector compared to 58.4 per cent in urban areas.

103. In technical education enrolment figures in the basic cycle are: boys 51.6 per cent and girls 48.4 cent. In the technical baccalaureate, male enrolment (51 per cent) barely surpasses the female share, whereas in non-university technical education, girls (55 per cent) outnumber boys.

104. At university level, considering the country's most important traditional universities, women account for 52 per cent of enrolment in the National University of Asunción, while men account for 48 per cent. Nonetheless, in careers considered traditionally male, such as engineering, women occupy just 15 per cent of places (34 per cent in the polytechnics); 47 per cent in medicine and 55 per cent in law, which clearly remain male dominated, despite significant progress in female enrolment. The real progress made by women is seen in careers such as dentistry (75 per cent), economics (45 per cent), exact and natural sciences (57 per cent). The Catholic University currently has 67 per cent female enrolment, of whom 65.2 per cent come from areas of the country outside Asunción. Male enrolment predominates only in science and technology (52 per cent), and in postgraduate accountancy and management studies (72 per cent).

105. With regard to literacy, the 1992 census reported an illiteracy rate of 14.2 per cent among women of 15 years and older, compared to 13.5 per cent among their male counterparts. These percentages vary according to sector and geographic zone, with rates in the rural area rising to 17.2 per cent among women, compared to 11.8 per cent among men. Absolute illiteracy among urban women (63.0 per cent) is greater than among campesino women (55 per cent). The illiteracy level is closely related to the population's linguistic capacity in Spanish. According to data from

the National Mother and Child Health Survey, [sic] habitually speak Guaraní and 42.7 per cent are bilingual Spanish-Guaraní. Only 20.4 per cent speak Spanish alone, whereas 68.4 per cent of rural women speak Guaraní and only 2.5 per cent speak only Spanish.

106. The expansion of training opportunities for women in Paraguay has possibly been one of the most significant steps forward for women since Beijing, and has been promoted mainly by NGOs, either in mixed groups or exclusively for women. Opportunities have been growing in number and improving in quality over time. In this context, between 1996 and 1999 the Women's Bureau and the National Professional Advancement Service (SNPP) provided training for a total of 3,000 women through modules on self-management to generate productive incomes, thereby enabling them to access the labour market on a competitive basis.

107. The Women's Bureau has carried out many institutional actions of various types with participation from the education authorities generally, teacher trainers, technical staff from departmental pedagogy units and the secretariats of governors offices, with a view to mainstreaming gender in the educational system and in interinstitutional relations. The topics of responsible maternity and paternity, along with family planning methods, have also been the subject of an intense and systematic campaign of awareness-building by the Women's Bureau.

108. The most recent analyses of the current situation of Paraguayan education reveal the existence of numerous factors that generate inequality: (i) Basic schooling: the incorporation of gender equity is seen as an innovative area in education reform, which still requires greater analysis and better understanding by those responsible for educational management (ministerial supervisors, school directors and teachers), in order to achieve the expected results. (ii) Bilingualism: the National Commission for Bilingualism considers it necessary to emphasize the validity of the universe of values embedded in Guaraní culture in linguistic policy and in teaching activities. The Guaraní language is a key tool and a priority for developing a social equity policy and for starting a process of cultural revaluation. (iii) Initial education: strengthening of this level of education as part of the formal system is a key initiative for enhancing conditions conducive to equity, pedagogic success and formation of a democratic and solidarity-minded citizenry.

## Article 11

**1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:**

**(a) The right to work as an inalienable right of all human beings;**

109. The National Constitution refers specifically to women's work and states that no discrimination will be admitted against workers for reasons of race, sex, age, religion, social status, political or union preference.

110. A partial amendment to the Labour Code was made in 1995, introducing substantial improvements on behalf of equal rights for women. This establishes equality of labour rights and obligations for both sexes, equal pay, maternity protection and the obligation to establish child care units for male and female workers.

111. The right to work is assured as inalienable. Labour force participation is lower among women than among men, although the growth of female participation accelerated considerably in the 1990s. The Women's Bureau serves on the Subcommission for Project Preparation and participates in the Subcommission for International Standards of the Tripartite Commission for Equal Opportunities in Employment.

**(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;**

112. Article 86 of the Constitution establishes that every inhabitant of the Republic has the right to a legal job, freely chosen and performed under decent, fair conditions. The law protects every form of work; and workers legal rights are inalienable.

113. Although the Constitution protects women's work and promotes their access to it, sexist attitudes persist in personnel selection.

**(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining,**

**including apprenticeships, advanced vocational training and recurrent training;**

**(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;**

114. Article 47 subparagraph (3) of the National Constitution guarantees equal access to a non-elective public office, without any requirement other than being competent for the job.

115. Paraguay has ratified the ILO convention on equal remuneration. In addition, articles 94 and ff. of the Labour Code contain provisions on job stability; equal remuneration for work of equal value, nature, duration and effectiveness (articles 67 and 229), together with positive discrimination to protect lactation and maternity (articles 129 through 136). Nonetheless, wage differences persist between men and women, along with market segmentation in terms of labour supply.

116. The Labour Code introduces amendments that improve the rights of female domestic workers (and also male domestic workers although they are a minority in this sector), incorporating the rights to holiday bonuses, pre- and post-maternity leave, and the right to receive severance pay, while removing references to morality and honour as a cause for justified dismissal. Nonetheless, instances of discrimination remain in the Labour Code, which particularly affect this sector of female workers (which accounts for one quarter of the female EAP), in relation to pay, length of the working day, recognition of overtime, weekly rest period and conditions for contract termination.

117. The Women's Bureau, in an agreeme .. with the National Professional Advancement Service, attached to the Ministry of Justice and Labour, has promoted professional training for women. By 1999, over 3,000 women had received training in various traditional and non-traditional occupations.

**(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;**

**(f) The right to protection of health and safety in working conditions, including the safeguarding of the function of reproduction.**

118. There is no restriction on the right to paid holidays, severance pay or bonuses. These rights are valid for both sexes.

119. The social security regime discriminates against women working in domestic employment, private tutoring and self-employment, since they are only entitled to medical care and medicines, without subsidies; and it also discriminates in terms of retirement. The insurance benefits of female workers do not extend to their husband if they are married, whereas a male worker's insurance does cover his wife. There is no way for housewives to obtain a retirement pension or gain access to other social security benefits, except through a husband.

120. The Labour Code establishes special protections for expectant and breastfeeding mothers (articles 129 through 136), and calls for maternity rooms or childcare units to be provided in establishments employing more than 50 workers of either sex (article 134); it also provides for the payment of bonuses and pre- and post-maternity leave for female domestic workers (article 153).

**2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:**

**(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;**

**(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;**

**(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;**

**(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.**

121. The National Constitution contains explicit provisions on maternity, and states that the law will establish a paternity leave regime.

122. Articles 130 and ff. of the Labour Code contain specific provisions safeguarding the health of women who are pregnant or breastfeeding, as well as guaranteeing maternity leave. The Political Charter prohibits women from being dismissed from their job during pregnancy or during maternity leave, the latter being fully paid.

123. The Labour Code also explicitly provides for the organization of child-care units in firms, and protection during pregnancy, by stating that when the health of the mother or the child is in danger, either before birth or during the lactation period, she may not undertake unhealthy or dangerous tasks, work industrial night shifts in commercial establishments or services after 10 p.m., or work overtime. It further provides that during the three months preceding childbirth, women shall not carry out any work that requires considerable physical effort.

124. The three labour union federations have a women's affairs office. Women union members have participated actively in the debate on the new Labour Code and in defining public policies on employment.

125. The Women's Bureau participates actively in Mercosur subgroup 11, along with NGOs and women union leaders.

126. The National Tripartite Commission for Equal Opportunities in Employment has been established, comprising the State (the Women's Bureau and the Ministry of Justice and Labour), the union sector and the business sector. Several workshops have been held under its auspices: three tripartite workshops on the promotion of equal opportunities in employment in Paraguay, which aim to analyse antecedents and progress in forming and appointing the National Tripartite Commission to analyse and promote equal participation by women in employment, in accordance with Decree 21403/98. Representatives from the Vice-Ministry of Labour and Social Security, and from business organizations and the union sector, were informed and given training on international standards and the rights of female workers, and on ILO actions in relation to national tripartite commissions.

127. The Women's Bureau collaborates with the Women's Enterprise Network in holding roundtables, seminars and workshops.

128. On 3 January 1997 an agreement was signed between the Ministry of Justice and Labour and the Women's Bureau, setting the following specific objectives: raising awareness on gender issues among the Ministry's senior, directive and technical staff and general employees; promotion of equal opportunities for women to obtain and remain in employment; and advancement of women into decision-making posts.

129. The Women's Bureau is providing encouragement and support for women from the private sector in creating the Paraguay Chapter of the Mercosur Women's Forum – an NGO with active participation nationally and in member countries, mainly among women entrepreneurs. In 1998, the Women's Bureau also called for data to be obtained on the employment situation of Paraguayan and Brazilian women working in border areas, where equity and equality of opportunity and treatment are lacking in gender relations.

## Article 12

**1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those relating to family planning.**

**2. Notwithstanding the provisions of paragraph 1 *supra*, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.**

130. The Directorates General for Family Welfare and Social Welfare, both attached to the Health Ministry, act to promote and ensure health services for women and the family, among other things.

131. The National Council for Reproductive Health, consisting of several organizations coordinated by the Ministry of Health, promotes, supervises and implements programmes on reproductive health and family planning.

132. Health centres established in the capital and elsewhere in the country have been upgraded to maternity and children's hospitals.

133. The National Policy for Comprehensive Health Care for Women, which has been in force since its approval by Ministerial Resolution 412 of the Ministry of Public Health and Social Welfare, of August 1999,

covers health care for women in all stages of their life cycle. A strategic pillar of the policy involves comprehensive health care and promotion among adolescent girls including: monitoring of growth and development; care of bio-psychological-social development; guidance and education to promote sexual health; prevention of STD/AIDS; care to ensure safe maternity and promotion of breast-feeding; family planning education, advice and service; and the prevention and eradication of violence against teenage girls.

134. The prevention of STD/AIDS is included in the National Policy for Comprehensive Health Care for Women, which also calls for male participation as a strategic element in the comprehensive development of sexual and reproductive health.

## Article 13

**States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:**

**(a) The right to family benefits;**

**(b) The right to bank loans, mortgages and other forms of financial credit;**

**(c) The right to participate in recreational activities, sports and all aspects of cultural life.**

135. There is no restriction or inequality between men and women as regards engaging in acts of commerce, bank loans, mortgages and other forms of financial credit. Married women are subject to the same restrictions as married men in all cases, which are set out in Law 1/92 reforming the Civil Code, which aim to ensure transparency and equality in family relations as regards joint assets.

136. At the present time there are no restrictions on women regarding leisure or sports activities and other aspects of cultural life. Until a few years ago, there were several clubs that excluded women from their membership, but the clubs' social statutes have now been altered to eliminate such discrimination.

## Article 14

**1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.**

137. In its section dealing with agrarian reform, the Constitution of the Republic of Paraguay establishes the bases for rural reform and development, including the adoption of a tax system and other measures to stimulate production, and support for campesino women, especially those who are heads of household. It also establishes participation by campesino women, on an equal footing with men, in the following areas: agrarian reform; organization of campesino settlements; provision of necessary infrastructure, especially highways, education and health; granting of low-cost agricultural credit without intermediaries; creation of agricultural insurance; participation by the subjects of agrarian reform (men and women) in the respective process, and the promotion of campesino organizations in defence of their economic, social and cultural interests; and education of male and female farmers and their families, in order to train them as active agents of national development.

138. Another antecedent of fundamental importance in this field is the technical cooperation agreement signed between the Women's Bureau of the Office of the President of the Republic and the Ministry of Agriculture and Livestock (MAG), explicitly establishing the desire of both institutions to carry out joint actions to incorporate the gender perspective in public policies. The agreement lasts for five years, starting in 1995. In order to achieve the objective, the MAG undertook to: (i) promote the gender perspective in existing plans, programmes and projects, and in those to be implemented from the MAG in the future; (ii) adopt measures to ensure achievement of targets and objectives in the actions of projects to be implemented by the different institutions, and make resources available for this; and (iii) offer specific technical training through its professional/technical staff to the professional/technical staff of the Women's Bureau. The latter, for its part, undertook to provide technical training on gender issues to MAG professional/technical staff.

139. The most notable strategic results of this agreement include the holding of workshops on "Institutional work experiences in support of rural

women", an activity carried out jointly by the Women's Bureau and the MAG Directorate General of Planning, with the aim of deepening the gender perspective and publicizing the results achieved. In addition, support has been provided to the "Role of women" programme of the MAG, by training rural women leaders on the gender perspective in civic instruction, and providing technical assistance on gender issues through the different MAG training and awareness-building actions (Awareness-building campaign for women cotton producers).

140. Other major results include: a letter of understanding between the Women's Bureau of the Office of the President of the Republic, the development finance agency Crédito Agrícola de Habilitación (CAH) and the Agrarian Extension Office (DEA). Signed in 1996, its objective was to establish an interinstitutional programme to support organized rural women, both adult and youth, for technical, educational, organizational and credit assistance, implemented by institutions participating in the agreement.

141. The Mutual Cooperation Agreement between the Women's Bureau of the Office of President of the Republic, the Ministry of Agriculture and Livestock (MAG) and the Governor's Offices of Concepción and San Pedro, and the Food and Agriculture Organization of the United Nations (FAO), includes decentralization as a mechanism for facilitating closer targeting for agricultural policies with a gender perspective. The aim here is to improve the capacity of campesino family units to raise their organizational and productive efficiency, and thus increase their incomes and enhance their quality of life, by implementing agrarian development plans, projects and programmes, with a departmental and district focus.

142. In 1995, the Women's Bureau of the Office of the President of the Republic and the Inter-American Institute for Cooperation in Agriculture (IICA) signed a general technical cooperation and administrative agreement, to collaborate in strengthening the institution as a government mechanism with capacity to manage the gender perspective in sustainable rural development, so as to propose differentiated sectoral development policies that make the most of proactive participation by rural women. As an outcome of this technical cooperation, *"Guidelines for incorporating the gender perspective in sustainable rural development projects"* were prepared in 1999. These provide guidance in the training of trainers for technical workers operating with agricultural and rural products. It was validated in a trainer training workshop.

**2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:**

**(a) To participate in the elaboration and implementation of development planning at all levels;**

**(b) To benefit directly from social security programmes;**

**(c) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, *inter alia*, the benefit of all community and extension services, in order to increase their technical proficiency;**

**(d) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;**

**(e) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;**

**(f) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.**

143. The Office of the First Lady, supported by the Women's Bureau and the Social Action Secretariat, is implementing a project entitled "Comprehensive support for rural women" targeting at campesino and indigenous men and women. The project is designed as an effective and efficient social policy aimed at generating greater equity by empowering men and women from the country's most deprived communities to participate actively in society, and by achieving higher levels of welfare to reduce poverty and ensure a better quality of life. This is a comprehensive project covering lines of action and issues relating to: participation and organization, productive activities, public health, education and childhood, comprehensive

support for indigenous communities, communication, dissemination and social information. The beneficiaries (both male and female) are campesinos and indigenous peoples living in conditions of greatest relative poverty; 800 committees will channel assistance to about 35,000 women and men from the selected departments.

144. In the framework of the IDB/MAG/SM Rural Colonies Consolidation project, 11 productive projects are currently being executed involving poultry-breeding and milk-production activities run by rural women. The beneficiaries are 10 women's committees and mixed committees from Concepción, in the districts of Horqueta, Belen and Concepción; in addition to a women's committee from Coronel Oviedo in the district of Santa Rosa del Mbutuy, directly benefiting 308 families involving roughly 2,200 individuals, as well as indirectly benefiting the entire community. Projects basically aim to improve the incomes of family units through greater integration of women into associative productive work.

145. Mention should also be made of the Project for Participatory and Decentralized Formulation and Management of MAG-FAO Plans, Programmes and Projects, implemented in the departments of Concepción and San Pedro.

146. In the rural area, educational differences between men and women are more evident. The average number of years of approved schooling is low: 4.9 per cent overall, 5.0 per cent among men and 4.8 percent among women. Illiteracy differences are more accentuated in this sector, with figures of 17.2 per cent among women compared to 11.8 per cent among men.

## Article 15

**1. States Parties shall accord to women equality with men before the law.**

**2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.**

**3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.**

**4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.**

147. The National Constitution of Paraguay explicitly recognizes equality between men and women in terms of civil, political, economic, social and cultural rights.

148. There is full equality before the law in terms of the recognition, enjoyment and exercise of civil rights between men and women, recognized in Law 1 which partly amends the Civil Code. Under these amendments, men and women have identical legal capacity, either as single persons or in a relation of marriage and cohabitation. These include equal capacities in the management of the conjugal unit, to contract and be contracted, and equal rights before the law for marital separation and division of assets, under the Absolute Divorce law passed in 1991.

149. The Civil Code does not permit execution of contracts with third parties by either spouse without the acknowledgement and authorized signature of both spouses. Accordingly, any act or private instrument executed by the husband that excludes the wife is deemed null and void.

150. The Civil Code defines the conjugal domicile as the place in which, by common agreement, the spouses make their life together.

## Article 16

**1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:**

**(a) The same right to enter into marriage;**

**(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent.**

151. Article 50 of the National Constitution establishes the right of every person to constitute a family, in its formation and development under which a man and a woman will have the same rights and obligations. Amendments to the Civil Code introduced by Law 1/92 establish equal rights to:

(a) Enter into marriage, subject to a minimum age of 16 years for both sexes;

(b) Equal rights to freely choose their spouse if older than the age of majority (20 years). When younger than 20 years, marriage requires authorization by parents or guardians in the case of both sexes.

(c) Husband and wife jointly exercise legal representation of the conjugal unit, and have the same rights and duties. Under Law 45/91 which establishes Absolute Divorce, both spouses have the same rights in terms of marital separation.

(d) Subject to the provisions of the Children's Code, the husband and wife exercise identical rights over all their offspring of either sex, both in terms of guardianship and in parental rights generally.

(e) Spouses shall freely and responsibly decide upon the number and spacing [sic]

(f) Husband and wife have identical rights and duties; the married woman may use the husband's surname only if she wishes to do so; equally, the husband has the right to add the surname of his wife if he so wishes. Children of the marriage take the first surname of each parent. The order of the surnames is decided by common agreement between the parents, and the order adopted for the first child must be followed in the case of subsequent children.

152. The National Constitution establishes the right to freely and responsibly choose the number and spacing of children, and calls for special reproductive health and mother-child health plans for low-income populations.